**THE HON'BLE MR JUSTICE K.C. BHANU**

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**WRIT PETITION NO : 19750 of 2005**

**Dated: 08..09..2005**

Between:

1 Cheruku Mallikarjuna Rao S/o. Kameswararao
R/o. Amalapuram (P) E.G.District.
2 Smt. Pachigolla Venkata Ratnamala W/o. Nagaraju
R/o. Amalapuram (P) E.G.District.

**..... PETITIONERS**

AND

1 The A.P.Eastern Power Distribution Co. Ltd.,

Visakhapatnam, Rep.by it's Chairman-cum-Managing Director
Corporate Office, Dabagardens, Visakhapatnam.
2 The Asst. Divisional Engineer, Operations, Sub-Division
APEPDCL Amalapuram.
3 The Asst. Accounts Officer, Electricity,
Revenue Office APEPDCL
Amalapuram E.G. District.
4 The Divisional Engineer, Operations,
APEPDCL Amalapuram (P), E.G.Disrict.

**.....RESPONDENTS**

**Counsel for the Petitioner:MR.P.NARASIMHA RAO**

**Counsel for the Respondent No.: MR.M.SRIRAMULU REDDY (SC FOR APTRANSCO)**

**THE HON'BLE MR JUSTICE K.C. BHANU**

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**WRIT PETITION NO : 19750 of 2005**

**ORDER:**

Challenging the impugned order dt.24-04-2005, issued by the 4th respondent to pay a sum of Rs.2,49,569/- for the period from 12-09-2002 to 30-12-2004 as

supplementary bill on the ground that the electrical meter for the service No.21279 of the rice mill of the petitioner was defectively working in red and blue phases, and demanding for payment of amount and finally disconnecting the power supply to the rice mill of the petitioner on 17-18-2005 as arbitrary and illegal, the present writ petition is filed.

The learned counsel for the petitioner contended that unless the dispute is referred to the Electrical Inspector, issuing of additional bill does not arise in view of the decision reported in "***BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING v. LAFFANS (I) PVT. LTD. AND ANOTHER***". The dispute is with regard to the payment of amount under notice dated 24-04-2005 where under Divisional Electrical Engineer estimated an amount of Rs. 2,49,569/- towards back billing for the unrecorded units. Whether the Assistant Engineer, Electricity can assess the back billing or whether the petitioners have to act upon the Assistant Engineers assessment are required to be decided in the appeal itself. Against the orders of the Electrical Engineer, the petitioners without preferring an appeal submitted a representation to the Superintendent Engineer, Operation, Rajahmundry.

It is not a case of violation of principles of natural justice or challenging the jurisdiction of law by Electrical Divisional Engineer, Operation. As rightly contended by the learned standing counsel that additional bill cannot be issued without referring the matter to the Electrical Inspector and it can also be raised and decided by the appellate authority only.

Therefore, without entering into the merits of the case, the writ petition is disposed of directing the petitioners to avail the appropriate statutory remedy of appeal before the Superintendent Engineer. No order as to costs.

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K.C.BHANU, J.

Dated: 08..09..2005.

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